REMARKS

Claims 1-20 are pending in the current application. Claims 1-20 stand rejected, and claims 9 and 10 have been amended. Reconsideration is kindly requested in view of the amendments and following remarks.

Claim Objections

The Examiner objects to claim 10 due to a typographical error. Applicant thanks the Examiner for so noting and has amended claim 10 to remove the stray "." within that claim. Withdrawal of the objection is respectfully requested.'

Rejections under 35 U.S.C. § 102/103

Claims 1-17, 19, and 20 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by US Pat. Pub. 2002/0093953 to Naim et al. ("Naim"). Claim 18 stands rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Naim alone. Applicant respectfully traverses these grounds of rejection.

Regarding independent claims 1, 9 (as amended), and 20, the Examiner alleges that Naim teaches each and every feature of the claims, including transmitting control signal data over a *single* control channel and that the single control channel is configured based on a transmission mode. Applicant respectfully submits that Naim nowhere discloses or fairly teaches the use of a single control channel; rather, Naim specifically indicates that each type of transmitted data uses more than one, or *multiple,* channels. Pg. 2, ¶ [0025]. Naim then goes on to describe how data using multiple channels may be identified using individual *queues* and *CVs, not channels*. Pg. 2, ¶ [0025], ll. 4-5; ¶ [0026], ll. 3-7. Further, because Naim addresses only multiple channels for each data type, it is silent as to a *configured* single

control channel *based on a transmission mode* or how such configuration of a single control channel may be enabled.

The Examiner additionally points to paragraph [0005] in the Background section of Naim for the disclosure of a single control channel. Applicant respectfully submits that the channel disclosed in paragraph [0005] is not a control channel; instead, it is a single comprehensive channel for all communicative data, control or otherwise. This comprehensive channel in Naim cannot reasonably meet the current claims' control channel, because the comprehensive channel must transmit non-control data. Nothing in the background teaches or suggests the use of a single control channel that carries only control data.

Because Naim fails to disclose, fairly suggest, and enable all elements of claims 1, 9, and 20, Naim cannot anticipate or render obvious these claims. Claims 2-8 and 10-19, dependent upon one of claims 1 and 9, are allowable at least for depending from an allowable base claim. Withdrawal of the rejection is earnestly requested.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1-20 in connection with the present application is earnestly solicited.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) hereby petition(s) for a two (2) months extension of time for filing a reply to the Office Action and submit the required $450.00 extension fee herewith.
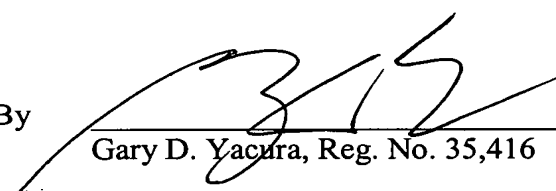
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By   _____
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GDY/REA